

The Arizona Department of Administration

Capitol Police

TITLE 2 Administration

CHAPTER 11 Department of Administration Public Buildings Maintenance

ARTICLE 2. Traffic and Parking



Introduction

In 1983, the Arizona Revised Statute § 41-796, granted the Department of Administration the authority to adopt enforceable rules for the control of vehicles traveling or parking on state property in respect to the following:

- **Maximum Speed**
- **Direction of Travel**
- **Place, Method, and Time of Parking**
- **No Parking Areas**
- **Special Parking Areas for Employees and the General Public**
- **Prohibit Parking in Vehicle Emission Control Areas As defined in A.R.S.§49-541**

The enforcement of these rules is necessary to provide a safe, orderly and secure environment on state property in the Capitol Complexes for employees and the general public.

ARTICLE 2 TRAFFIC AND PARKING R2-11-201 DEFINITIONS

1. **CITATION** = A notice to appear for violation of the State's Parking and Traffic rules.
2. **DECAL** = A label, sticker or tag that authorizes preferential parking.
3. **DESIGNATED** = Means to identify with signs or marking.
4. **EMPLOYEE** = Any person elected, appointed, or employed by the State either on a part-time or full-time bases.
5. **LOADING ZONE** = An area designated by yellow paint for the business of pickups and deliveries.
6. **NO PARKING ZONE** = An area designated by red paint or signs where parking is not permitted.
7. **PARKING** = Is stopping or placing a vehicle in an area, regardless of whether the vehicle is attended or unattended.
8. **PARKING SPACE** = A designated area for parking a vehicle outlined by painted white lines.
9. **RESERVE PARKING SPACE** = Any parking space designated for a special purpose, such as handicapped, rideshare participants, or visitors, etc.

10. **SAFETY ZONE** = An area or space that is officially set apart within a roadway for the exclusive use of pedestrians or a protected, marked, or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.
11. **VEHICLES** = Has the meaning set forth in the Arizona Revised Statute Title 28.
12. **VISITORS** = Refers to any person other than an employee.

R2-11-202 GENERAL PROVISIONS

- A. The State is not responsible for the care and protection of any vehicle and its contents at any time the vehicle is operated or parked on State property.
- B. The person to whom a parking permit is issued is responsible for all parking violations involving the person's vehicle.
- C. If a parking area reserved hours are altered, the Department shall post notices at the parking lot or area, and the changes are effective immediately.

R2-11-203 PARKING PROHIBITIONS

- A. A person shall not park a vehicle in a:
 1. Bicycle rack or areas;
 2. Loading zone, unless the person is making a pickup or delivery and the person's vehicle has Commercial license plates or is state owned. Parking is only permitted during actual loading and unloading.
 3. Any location that is not designated with parking space.
 4. No parking zone.
 5. Reserved parking space without proper authorization.
 6. Safety zone.
- B. A person shall not obstruct any of the following with a vehicle:
 1. A building entrance
 2. Driveway
 3. Fire lane
 4. Loading dock
 5. A properly or legally parked vehicle
- C. A person may not drive or park a vehicle:
 1. On a pedestrian path or sidewalk.
 2. In any area on State property closed by barricades, ropes, tape, traffic cones, or other traffic control device.
- D. A person shall not park outside of the area designated by painted white lines when using a parking space.
- E. In an emergency the Department may impose parking limitations or prohibitions required by the particular circumstances.
- F. For special events the Department may impose parking limitations or prohibitions based on all of the following factors:
 1. Previous experience with similar events.
 2. Risk data.

R2-11-204 PARKING DECALS

- A. Unless the person is a visitor using parking reserved for visitors, the person shall properly display a reserved parking space decal in the manner prescribed in this section to be authorized to park in a reserved parking space.
- B. To park in a parking space reserved for the physically disabled a person shall obtain a removable windshield placard or special plates, bearing the international symbol of access, from the Arizona Department of Transportation, Motor Vehicle Division, and display the placard or plates as prescribed by rules of the Department of Transportation.
- C. A person with a decal for any other kind of reserved parking space shall display the decal from the rearview mirror, attach the decal to the left side of the windshield or display the decal on the left side of the dashboard. The person shall ensure that the decal is visible through the windshield so it can be ready by someone standing outside the vehicle.

R2-11-205 OPERATION OF VEHICLES ON STATE PROPERTY

- A. On state property the Department shall enforce all state laws governing the operation of vehicles.
- B. A person driving or parking a vehicle on state property shall obey posted traffic and parking signs.
- C. The Department's Capitol Police shall enforce a maximum speed limit of 5 miles per hour in all state parking lots under the Department's jurisdiction.
- D. Any person who has been in an accident involving a moving vehicle on state property shall immediately report the accident to the Department's Capitol Police.

R2-11-206 PENALTIES

- A. The registered owner of a vehicle involved in a violation of R2-11-203, R2-11-204, or R2-11-205 shall pay the monetary penalties prescribed in this section.
- B. Capitol Police officers or Capitol Police security aides shall issue citations, containing the notice to appear described in the A.R.S. § 41-796(E), according to the following schedule:

1. Parking in an area designated for bicycles:	\$16.00
2. Parking in a loading zone:	\$20.00
3. Parking in a location not designated as a parking space:	\$20.00
4. Parking in a no parking zone:	\$20.00
5. Unauthorized parking in a space reserved for physically disable:	\$50.00
6. Unauthorized parking in a reserved parking space:	\$16.00
7. Parking in a safety zone:	\$20.00
8. Obstruction of a building entrance, driveway, fire lane, loading dock, or a legally parked vehicle:	\$20.00
9. Driving or parking on a pedestrian path or sidewalk:	\$25.00
10. Driving or parking in any area on state property closed by barricades, chain, rope, tape, traffic cones, or other traffic-control devices:	\$25.00
11. Parking outside parking stall lines:	\$16.00
12. Improperly displayed parking permit decal:	\$10.00
13. Failure to obey State Law governing the operation of a vehicle on state property:	\$16.00
14. Failure to obey posted traffic or parking signs:	\$16.00
15. Exceeding the maximum speed limit of 5 miles per hour:	\$16.00
16. Failure to report traffic accident occurring on state property:	\$16.00

- C. For the purpose of this Article, service of a notice to appear is complete when the police officer or security aide issuing the citation secures it to the vehicle in a conspicuous place.

- D. Within ten (10) business days from the issuance date of a citation, the registered owner of the vehicle shall pay the appropriate monetary penalty to the Department, admitting the violation or indicating no contest, or the citation under A.R.S. § 41-796(E) and the procedures in R2-11-207. The registered owner may pay the penalty by checking the appropriate box and mailing the payment and citation to the Department, using the address printed on the citation.
- E. If the registered owner does not pay the monetary penalty within ten (10) business days of the citation date and fails to request a hearing under R2-11-207, the Department shall treat the failure to respond as an admission of the violation, declare the penalty to be in default, and serve a notice of default on the registered owner with a bill for the amount of the original penalty and an additional monetary penalty of \$20.00 for failure to respond. The Department may take appropriate action to collect these monetary penalties, based on the resources available of pursuing collection.

R2-11-207 HEARING

- A. If a registered owner wishes to contest a citation, the registered owner shall request a hearing within ten (10) business days after the issuance of the notice to appear described in A.R.S. § 41-796(E) by checking the appropriate box and mailing the citation to the Department, using the address printed on the citation.
- B. Upon receipt of a request for hearing, the Department shall schedule a hearing and serve notice of the hearing, according to A.R.S. § 41-1092.05.
- C. The Director or an administrative law judge from the Office of Administration Hearings shall conduct each hearing as a contested case in the manner prescribed in A.R.S. Title 41, Chapter 6, Article 10. The Department shall serve its decision on the registered owner. If The Director or the administrative law judge determines that a violation has occurred and impose a monetary penalty, a bill for the amount of the penalty shall be served with the decision. The registered owner shall pay the monetary penalty within ten (10) business days from the date on the decision or within the time prescribed by the administrative law judge. If the registered does not pay the monetary penalty within this time, the registered owner shall pay an additional monetary penalty of \$20.00. The Department may take appropriate action to collect any monetary penalty imposed, based on the resources available for pursuing collection.

R2-11-208 REHEARING

- A. A party in a contested case before the Department may file a motion for rehearing or review within thirty (30) days after service of the final administrative decision, as prescribed in A.R.S. § 41-1092.09. The party shall attach a supporting memorandum, specifying the grounds for the motion. A party is not required to file a motion for rehearing or review of the final administrative decision to exhaust the party's administrative remedies.
- B. An opposing party may file a response within fifteen (15) days after the date the motion for rehearing or review is filed. The party shall support the response with a memorandum discussing relevant legal and factual issues.
- C. Any party may request oral argument.
- D. The Director may grant a rehearing or review for any of the following causes materially affecting a party's rights.
 - 1. Irregularity in the administrative proceedings or any order or abuse of discretion, which deprived the moving party of a fair hearing.
 - 2. Misconduct of the Department, of administrative law judge, or the prevailing party.
 - 3. Accident or surprise which could have been prevented by ordinary prudence.
 - 4. Newly discovered material evidence, which could not, with reasonable diligence, have been discovered and produced at the hearing.
 - 5. Excessive or insufficient penalties.
 - 6. Error in the admission or rejection of evidence or other errors of law occurring at the hearing or during progress of the proceeding.

7. That the findings of fact or decision are not justified by the evidence or are contrary to law.
- E. The Director may affirm or modify the decision or grant a rehearing to all or any of the parties on all or part of the issues for any of the reasons in subsection (D). An order modifying a decision of granting a rehearing shall specify with particularity the grounds for the order and any rehearing shall cover only those matters specified. The Director may grant a motion for rehearing or review, timely served, for a reason not stated in the motion.
- F. Not later than fifteen (15) days after the date of the decision, the Director may grant a rehearing or review on the Director's own initiative for any reason for which the Director might have granted relief on motion of a party.
- G. If a motion for rehearing or review is based upon affidavits, they shall be served with the motion, an opposing party may, within five (5) days after service, serve opposing affidavits.
- H. The Director shall rule on the motion as prescribed in A.R.S. § 41-1092.09. If a rehearing is granted, the Department shall hold the rehearing within thirty (30) days after the date on the order granting the rehearing.

R2-11-209 REMOVAL OF VEHICLE FROM STATE PROPERTY

The Department shall remove any vehicle on state property parked in a barricaded area, abandoned, or parked in a manner that constitutes a hazard or impediment to vehicular or pedestrian traffic or to the movement and operation of emergency equipment. The registered owner of the vehicle shall pay for all costs of removal.

